

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No. 1:07-cv-03614-RPP/RLE

HUDSON REALTY CAPITAL FUND III LP,
HRC FUND III POOLING DOMESTIC LLC,
and HRC FUND III POOLING REIT, LLC,

Plaintiffs,

v.

MILLENNIA LUXURY CONDOMINIUMS
(FLORIDA) LLC, EDUARDO AVILA and
JACK KAPLAN,

Defendants

**NOTICE OF DEFENDANTS' MOTION TO DISMISS COMPLAINT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6) OR,
IN THE ALTERNATIVE, TO TRANSFER THE CASE TO THE UNITED
STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA**

TO: Howard E. Cotton, Esq.
Michael S. Gordon, Esq.
Katten Muchin Rosenman LLP
575 Madison Avenue
New York, NY 10022
Attorneys for the Plaintiffs

PLEASE TAKE NOTICE that, further to Local Civil Rules 6.1(b) and 7.2, the Defendants hereby move the United States District Court for the Southern District of New York to dismiss the Plaintiffs' Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) or, in the alternative, to transfer the entire proceedings to the United States District Court for the Southern District of Florida (the "Motion").

PLEASE TAKE FURTHER NOTICE that, in support of the Motion and further to Local Civil Rule 7.1, the Defendants shall rely upon the Memorandum of Law filed and served contemporaneously with the Motion.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b)(2), any opposing affidavits or answering memoranda shall be filed with the Court and served upon the undersigned attorneys so as to be received no later than ten (10) days after service of the Motion and Memorandum of Law. Service of this Notice of Motion, the Motion and its supporting Memorandum of Law is being made by overnight mail, pursuant to Local Civil Rule 5.3(a).

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(c), oral argument shall only be permitted by court order, individual practice or upon application.

Dated: May 11, 2007

ADORNO & YOSS LLP
Attorneys for Defendants

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